

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL CASE NO. 3:21-cv-00314-MR**

**OMAR DUPRAZ CRITTINGTON,**

**Plaintiff,**

**vs.**

**GARRY L. MCFADDEN, et al.,**

**Defendants.**

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**ORDER**

**THIS MATTER** is before the Court sua sponte.

The pro se Plaintiff filed this civil rights action pursuant to 42 U.S.C. § 1983 addressing incidents that allegedly occurred while he was a pretrial detainee at the Mecklenburg County Detention Center.<sup>1</sup> [Doc. 1]. The Complaint passed initial review on claims against Defendants Byrum, Jhonson, D. Davis, Durrah, Jarreal, and McFadden, and the remaining claims were dismissed. [Doc. 18]. The Plaintiff was granted leave to amend and, when he failed to do so, the Court ordered him to complete and return summons forms for service of process on the foregoing Defendants within 14 days on March 4, 2022. [Doc. 19]. The Court cautioned the Plaintiff that,

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<sup>1</sup> The Plaintiff is no longer incarcerated.

if he should fail to timely comply with the March 4 Order, this action would be dismissed in its entirety without prejudice and without further notice. [Id. at 2].

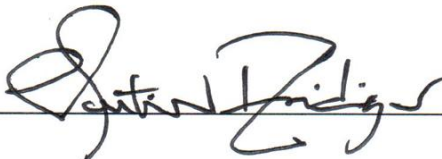
The Plaintiff has failed to comply with the Court's March 4 Order, and the time to do so has expired. The Plaintiff appears to have abandoned this action, and the Court is unable to proceed. This case will therefore be dismissed without prejudice. See Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."); Link v. Wabash R.R. Co., 370 U.S. 626, 630-33 (1962) (although Rule 41(b) does not expressly provide for sua sponte dismissal, Rule 41(b) does not imply any such restriction and a court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

**IT IS, THEREFORE, ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE**.

**IT IS FURTHER ORDERED** that the Clerk of Court is directed to terminate this action.

Signed: March 31, 2022

**IT IS SO ORDERED.**

  
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Martin Reidinger  
Chief United States District Judge

